

Tres Valles West
Common Area Rules and Regulations
August 2020

Proposed revision supersedes and replaces all previous versions of the 'Tres Valles West
Common Area Rules and Regulations'.

The Common Area of Tres Valles West (TVW) is an asset to be valued and protected. Access to the Common Area is a privilege of ownership in TVW. The proper balance between protection of, and access to, the Common Area adds to the value of TVW and the Lots and homes located there.

These Rules are designed to maintain that balance. They govern the use of the Common Area in general as well as the creation and maintenance of trails and their use. Various Owner activities within the Common Area are addressed and include fishing, hunting, target practice, horseback riding, mountain biking, hiking and the use of off-road vehicles (ORV) within the Common Area.

Common Area - General Rules

1. Owners are responsible for their family members, tenants, invitees, licensees, and guests as well as their animals.
2. The posted ranch speed limit is 20 MPH. Owners are responsible for their family members, tenants, invitees, licensees, and guests that they all obey this posted speed limit.
3. Pets must be under the direct control of Owner at all times.
4. No littering or destruction. Owners shall promptly remove all trash for which they are responsible.
5. Fishing is allowed in designated ponds. These ponds are Mallard Pond, Lehman's Pond and Lost Lake. Always check the TVW website to locate the currently 'Stocked Ponds' as this information can change. The practice of 'catch & release' is encouraged although reasonable taking for consumption (1 per person) is allowed.
6. No hunting.
7. No target practice is permitted in TVW Common Area. BLM land has been designated as a suitable area for target practice,¹ and always use extreme caution and be aware of current conditions (i.e. Fire Bans, Red Flag Warning) before discharging any firearm. Please consult the BLM web site for the latest updates and status of BLM recreational activities. (<http://www.blm.gov>)
8. No open fires in Common Area. The exception being any burning of slash as a result of fire mitigation activities which requires approval from the Firewise Committee.
9. Owners may collect dead 'down and standing' firewood from common area for personal use. Any collection not along existing roads or ORV trails requires prior approval from Common Area Maintenance Committee (CAMC).
10. No Owner's Lot should be traversed in order to obtain access to the Common Area.

¹ Refer to http://twvcommunication.com/files/Minutes_03-07-2017.pdf

Common Area Access

1. Horses may graze in the Common Area as long as Owner is on-sight.
2. Horseback riding is permitted anywhere in the Common Area, including trails.
3. Hiking is permitted anywhere in the Common Area, including trails.
4. Mountain bikes are permitted anywhere within the Common Area, including trails.
5. An ORV (to include dirt bikes, ATVs, UTVs) is restricted to trails specifically marked for that ORV; no other part of the Common Area may be used by an ORV except roads.
6. Street motorcycles (as opposed to dirt bikes) are limited to the Ranch roads.

Creation and Maintenance of Common Area Trails

General

1. Trails shall be constructed so as to have minimal impact on wildlife and the Common Area and shall not be located on any Lot.
2. Opinions from experts may be solicited in the creation of trails.
3. Trails shall be constructed in a manner that will have minimal impact on Lots. That is, trails will be kept generally out of sight and hearing.
4. Trails shall be constructed in a manner that will minimize erosion and cutting/removal of any vegetation.
5. Any trail may be temporarily or permanently closed at the direction of the TVW Board as required.
6. Trails shall be designed so that any maintenance required would be minimal.
7. Trails may be designed for multiple uses (ORV, hiking, horseback riding, etc.) to the extent practical.
8. Trails may also have multiple uses for management of the Ranch (weed abatement, fire break, water system management, ranching, etc.)
9. Attention shall be given to minimize the potential for the spread of noxious weeds as a result of trails.
10. The construction and maintenance of the trails is expected to be performed by volunteers. Any use of TVW funds for trail maintenance/construction shall be a budgeted item.

Specific

1. Trails will be constructed so that the elk and sheep have uphill escape routes on the Ranch.
2. Particular attention will be paid to bighorn sheep, elk and raptors and their habitats (nesting and calving areas).
3. Trails shall be constructed with curves. Trails shall not be allowed to follow a vertical path.
4. Trails shall be designed to follow along the edges of open areas rather than straight across.
5. Any old trails that still exist shall be used again if they conform to these specifications.
6. ORV trails may be designed to provide access to non-ORV trails - that is, trails which are limited to hiking, mountain bike riding and horseback riding.

Rules for Use of Trails and Roads by ORV

1. Excessive speed on trails and roads is prohibited. Whether speed is excessive is dependent upon the condition of the trail or road, weather conditions and whether a prudent operator of an ORV would drive at that speed under those conditions. **All ORV users must adhere to the 20 MPH road speed limit.**
2. Excessive noise is prohibited. Noise is excessive if it exceeds the level for that standard model ORV when delivered by the manufacturer. No modified exhaust systems are allowed.
3. When wildlife is encountered on or near the trail, speed shall be reduced to a minimal level.
4. Every ORV shall have spark arrestors conforming to the requirements needed to operate the ORV on state or federal lands.
5. Use of an ORV on any trail or off-trail in the Common Area is allowed for maintenance, spraying of weeds, and general management of the Ranch, but only with proper authorization from the Common Area chairman.
6. The use of the trails is limited to Owners and family members, their tenants, invitees, licensees, guests and other authorized personnel as approved by the Common Area chairman.
7. Use of the trails is at 'your own risk'.
8. **The trails are 'rated' as to relative difficulty on a scale of 1-6: 1-Easy, 2-Moderate, 3-Challenging, 4-Difficult, 5-Very Difficult, 6-Extreme. More detailed information can be found in the *"Guide to TVW Hiking and ORV Trails"***
9. **It is highly recommended that all trail users purchase a Colorado Outdoor Recreation Search and Rescue (CORSAR) card. NOTE: Anyone with a current hunting/fishing license, or boat, snowmobile or ATV registration is already covered by the fund.**
 - a. **Additional information can be found at:-**
<https://www.coloradosarboard.org/csrb-documents/CORSARCardFactSheet.pdf>
 - b. **Purchase information can be found at:**
<https://dola.colorado.gov/sar/cardPurchase.jsf>

Common Area Rules Enforcement

1. All Owners, their family members, and their tenants, invitees, licensees and guests shall strictly comply with the Common Area Rules and Regulations.
2. The Common Area Rules and Regulations and a map of the Common Area Trails are available on the TVW website as well as being posted at the kiosk at the main gate.
3. In event of a violation of the Common Area Rules and Regulations by an Owner, Owner's family member, Owner's tenant, invitee, licensee or guest, the violation will be reported to the Owner in a courteous manner.
4. Identified repeat violators of any Common Area rule or regulations **will result in the referral of person(s) to the TVW Board to pursue compliance and enforcement.**

Disclaimer of Liability

1. Section 2.5 of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions of Tres Valles West sets forth the following:

‘The Association shall be and remain wholly free and clear of any and all liability to, or claims by, all Owners and all persons and entities, of whatever kind or character, whether sounding in contract or tort, deriving from the occurrence of any injury or damage to any person or property on, or in respect to the use and operation of, the Common Area or any of its improvements, fixtures, and facilities. It shall be the affirmative duty and responsibility of each Owner, and each user of the Common Area, to continuously inspect the same for any defects or perils or other unsafe conditions or circumstances, prior to and during such use or enjoyment thereof; and all users of, and visitors to, the Common Area and its improvements and facilities shall use, enjoy, and visit, the same at their own risk and peril.’